IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.8287 OF 2005

Malsiddha Tukaram Davare
and Ors. .. Petitioners

Versus

Rama Mukinda Dolari deceased
through Lrs. Smt.Limba Rama
Dolari and Ors. .. Respondents.

Mr.M.A.Choudhary for petitioners
Ms.S.A.Mudbidri for respondent Nos. 1 to 9 and 11

CORAM : S.C.DHARMADHIKARI, J.
DATE : 14th February 2006.

P.C.

. Heard Mr.Choudhary for petitioner and Mrs.Mudbidri for respondent Nos.1 to 9 and 11.

2. Perused the order passed by the authorities who are exercising powers under the Maharashtra Land Revenue Code, empowering them to effect entries in record of rights. Order and directions passed while either effecting such entries or making any changes therein do not affect right of petitioner to move civil court competent to adjudicate on issue of title. Such adjudication must always proceed on its own merits and the order passed by the authorities does not prevent the civil court from passing such orders as are permissible in law. Equally, upon institution of civil suit, it would be open for petitioner to apply for appropriate interim orders and the trial court will consider such application after hearing both sides.

(S.C.DHARMADHIKARI, J)